

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>KIMBERLY DAY-LEWIS</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	
<b>U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, et al.</b>	:	<b>NO. 12-2638</b>

**ORDER**

**AND NOW**, this 16<sup>th</sup> day of September, 2014, upon consideration of the Motion of Defendant, Jacqueline A. Berrien, Chair of the U.S. Equal Employment Opportunity Commission (“EEOC”), for Summary Judgment (ECF Document 39), plaintiff’s opposition thereto (Doc. 46), the Motion of Plaintiff, Kimberly Day-Lewis, for Partial Summary Judgment (Doc. 37), defendant’s opposition thereto (Doc. 45), and the parties respective reply briefs (Docs. 57, 58), for the reasons provided in the accompanying Memorandum, it is hereby **ORDERED** that:

1. Defendant’s Motion (Doc. 39) is **DENIED** with respect to Count II (gender discrimination) of Plaintiff’s Complaint to the extent plaintiff claims that defendant improperly restricted plaintiff from performing outside work;
2. Defendant’s Motion (Doc. 39) is **DENIED** with respect to plaintiff’s Count VI (retaliation) to the extent plaintiff claims that defendant improperly restricted her from performing outside employment, manipulating plaintiff’s case inventory, and acting in an antagonistic course of conduct;
3. Defendant’s Motion (Doc. 39) is **GRANTED** in all other respects;

4. Plaintiff's Motion for Partial Summary Judgment (Doc. 37) is **DENIED**.

BY THE COURT:

s/ L. Felipe Restrepo  
L. FELIPE RESTREPO  
UNITED STATES DISTRICT JUDGE